

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD ELEMENTARY SCHOOL  
DISTRICT AND OXNARD UNION HIGH  
SCHOOL DISTRICT.

OAH Case No. 2015030889

ORDER DENYING REQUEST TO  
VACATE PREHEARING  
CONFERENCE AND HEARING  
DATES AND ORDER CONTINUING  
THE PREHEARING CONFERENCE

On May 26, 2015, Student filed with the Office of Administrative Hearings a request to vacate the prehearing conference and hearing dates in this matter and set a status conference as the parties have reached a settlement in this matter. Student's request did not include a signature page from the parties' purported settlement agreement.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied as to vacating of the prehearing conference and hearing dates as Student did not include a letter of withdrawal or signature page of the signed agreement in the request

received by OAH. However, to give Student more time to obtain the required signatures, the prehearing conference is continued as follows.

Prehearing Conference: June 1, 2015, at 3:00 PM

IT IS SO ORDERED.

DATE: May 27, 2015

/s/

---

PETER PAUL CASTILLO

Presiding Administrative Law Judge  
Office of Administrative Hearings